

**BOARD OF REGISTRATION IN PHARMACY
PHARMACY BOARD MEETING MINUTES
TUESDAY, AUGUST 12, 2003
239 CAUSEWAY STREET, ROOM 206
BOSTON, MASSACHUSETTS 02114**

The meeting was called to order by Pres. Horn at 9:30 a.m.

The following Board members were present: Donna Horn, R.Ph., Pres., Harold B. Sparr, R.Ph., MS, Karen M. Ryle, R.Ph., MS, Dan Sullivan, R.Ph. (excused at 12:30 p.m.) and Marilyn M. Barron, MSW, Public Member. Absent: James T. DeVita.

The following Board staff were present: Charles R. Young, R.Ph., Exec. Dir., Susan Manning, J.D., Counsel, James D. Coffey, R.Ph., Assoc. Dir., Arthur J. Chaput, R.Ph., Pharm.D., Carolyn L. Reid, Adm. Asst., James C. Emery, C.Ph.T., Healthcare Investigator, and Leslie S. Doyle, R.Ph., Healthcare Supervisor.

AGENDA ITEMS

1. 9:30 a.m. Call to Order
Business Meeting
2. 9:35 a.m.
Assoc. Dir. James Coffey advised the Board that Adm. Asst. Carolyn L. Reid would transition to assist with the preparation of Board Minutes.
3. 9:45 a.m. to 10:15 a.m.
In the matter of SA - PH-2001-04, Quang MP Nguyen, Pharmacy Intern (Reg. No. 026606950). Appearance regarding eligibility for pharmacist licensure. Coffey and Young provided overview of circumstances related to requirements for pharmacist licensure.

Nguyen stated that while employed as a pharmacy intern with Brooks Pharmacy, he informed his employer that he had taken the MPJE examination in May of 2003 when in fact he had not tested. Nguyen said he misrepresented the testing issue to his employer due to personal hardships. Nguyen stated he was recently terminated by Brooks Pharmacy.

Board Decision: Motion/Sparr to rescind the Board's October 18, 2001 letter to Nguyen and internship registration; notify Nguyen Board will not review any application for licensure as a pharmacist in the Commonwealth of Massachusetts. Second/ Ryle. The motion carried.

4. 10:15 a.m. to 11:30 a.m.
Administrative Business Items

A) NABP's Fall Legislative Conference Offers Attendees Up to Eight CE Hours, September 14-16, 2003 at the Renaissance Mayflower Hotel in Washington, D.C. Chuck Young and Donna Horn will attend the NABP conference. Karen Ryle may attend the conference.

B) NABP correspondence – Update on Pharmacy Technicians.

Karen Ryle stated that NABP amended the model practice act to allow certified pharmacy technicians to reduce oral prescription authorizations to writing.

C) In the matter of DS-99-031, CVS Pharmacy #1021, 134 Patriot Square, South Dennis (Permit No. 1543) Request for removal of probation.

Motion/Sparr to approve removal of probation. Second/Ryle. The motion carried unanimously.

D) In the matter of DS-01-030, Walgreens Pharmacy #2861, 653 Worcester Road, Framingham (Permit No. 2232). Request for removal of probation.

Motion/Ryle to approve removal of probation. Second/Sparr. The motion carried unanimously.

E) Decision - In the matter of PH-03-046 – Registrant, Curtis R. Souza, R.Ph., (License No. 18953). Complaint taken under advisement on May 27, 2003 pending full Board review.

Recused: Donna Horn (exited conference room)

Motion/Sparr for formal reprimand with 45 hours of continuing education.

Second/Ryle. Vote: In support: Sparr, Ryle and Barron. Opposed: Sullivan.

The motion carried.

F) In the matter of PH-00-067, Registrant, Melissa J. Scott, R.Ph., (License No. 23306). Request for removal of probation. (2001 & 2002 CE's compliant).

Motion/Sparr to approve removal of probation. Second/Ryle. The motion carried

G) Board Counsel – pending legal matters.

Motion/Sparr to convene Exec. Session at 11:10 a.m. Second/Ryle. The motion carried.

Motion/Sparr to return to Open Session. Second/Ryle. The motion carried.

In the matter of DS-02-051/CVS/pharmacy Harwichport.

Motion/Sparr to propose Reprimand to CVS/pharmacy Harwichport for the medication error and staffing issues; discontinue staffing report requirement.

Second/Barron. In support: Sparr, Sullivan, Barron and Karen Ryle. Opposed: Horn.

The motion carried.

H) Complaint File Review.

I) Request for Advisory Opinion from Dhiraj Asrani regarding internship.

Motion/Sparr to approve internship hours accrued after April 15, 2002 commensurate with letter of FPGEC testing eligibility from NABP. Second/Ryle. The motion carried.

J) Store Hours- Regulations to be amended to delete requirement that pharmacy departments report change of business hours to the Board.

K) Test of Spoken English (TSE)- TSE discussion to be scheduled for Oct.

5. 11:30 a.m. to 12:30 p.m.

Tufts Health Plan and Zix Corporation Announce Alliance to Provide Wireless Prescribing to MA Physicians.

Georgianna Koutrouba, R.Ph., Assistant Director of Pharmacy Services, presented an overview of the executive findings of the Physician Connectivity Pilot Project to include outcome data related to patient safety and the effectiveness of e-prescribing practices in physicians practices. She stated that the wireless devices are not exclusively utilized by participating physicians for Tufts Health Plan patients only. PocketScript's electronic prescribing program includes a nationally recognized clinical drug reference. Koutrouba indicated noted Advance PCS is the affiliated PBM. Efforts ongoing to develop a full interface with the patient medical record. The e-prescribing pilots data storage and transmission is HIPAA compliant. Koutrouba described outcomes as improved patient safety and overall patient care and prescriber/pharmacist efficiencies.

Current E-prescribing regulatory impediments include necessary legislation to enable electronic signatures; electronic prescriptions being treated as oral authorizations; and prescriber's own handwriting "No Substitution" requirement. Koutrouba emphasized the importance of regulatory agencies participating in the e-prescribing task force with Secretary Robert Pozen, Secretary of Economic Affairs for the Commonwealth.

DPH/DCP Asst. Dir. Adele Audet addressed e-prescribing issues related to confidentiality, authentication, integrity and non-repudiation.

6. 12:30 p.m. to 1:30 p.m.

Lunch

7. 1:30 p.m. to 2:30 p.m.

Cardinal Health, Inc., 7000 Cardinal Place, Dublin, Ohio. Ronald Graham, GM, and Michael Riddle, VP East, presented an overview of "Off-Site Order Entry of Hospital Medication Orders". Handout distributed.

Mr. Graham stated that Cardinal Health enters into a business associate agreement with hospitals and is in full compliance with HIPAA and state privacy laws. Pharmacists at the Cardinal Health Pharmacy Service Center (PSC) remotely access the hospital pharmacy computer system through a secure, virtual private network and review orders, perform prospective drug use review and approve medication orders. PSC staff document all clinical interventions and provide a related daily report to all contact vendors (hospital pharmacies. Cardinal Health maintains 5 PSC's. The Texas PSC (commenced 3/03) is staffed by seven pharmacists and two certified pharmacy technicians (who perform medication order entry for pharmacist review). Graham distributed a pilot project proposal for Board and DPH/DCP consideration.

DPH/DCP Dir. Dr. Grant Carrow represented that Cardinal Health PSC pharmacists

and technicians providing pharmacy services to MA hospital and clinic patients need to be licensed/registered in the Commonwealth by the Board of Pharmacy. Pilot project approval may not be required since is not prohibited by state law or regulation (MA licensure required).

Actions Items: The matter will be reviewed at the August 27, 2003 Pharmacy Workgroup Meeting for report back to the Board on September 09, 2003.

8. 2:30 p.m. to 3:30 p.m.
Priscilla Fox, JD, Consultant, Department of Public Health.
Discussion regarding pharmacy issues of emergency preparedness.

Board counsel provided an overview of issues related to emergency preparedness.

Priscilla Fox distributed handouts and discussed pharmacy issues of emergency preparedness. Discussion identified various emergency response issues, including labeling, counseling, toll-free number, prescription transfer, therapeutic substitution, review of credentialing provisions subject to licensure (emergency medical assistance compact/reciprocity), prescription refills/blanks, duties that a pharmacist may delegate, 12-hour pharmacist work load limitation, pharmacy personnel ratio issues (pharmacist professional judgement), Poison Prevention Packaging Act and transfer of medication inventory from one pharmacy to another.

9. 3:30 p.m. to 4:30 p.m.
Follow up discussion with Board counsel regarding June 11, 2003 memorandum (Manager of Record Responsibilities & Central Fill). Tabled.

10. 4:30 p.m.
Motion/Sparr to adjourn. Second/Ryle. The motion carried. Meeting adjourned.

Respectfully submitted by:


Executive Director Date

CHUCK YOUNG
Printed Name

Reviewed by counsel: September 8, 2003
Draft approved: September 8, 2003
Board adopted: September 23, 2003

EXECUTIVE SESSION MINUTES

Motion/Sparr to convene Exec. Session. Second/Ryle. The motion carried.

Board Counsel – pending legal matters.

In the matter of PH-00-104/Dennis J. O'Boyle (Lic. No. 17449). Matter likely for sanction hearing.

In the matter of PH-02-115 & PH-03-010/Marco P. Rocha (Lic. No. 23346). Cases are not resolved. The facts of the cases are not in dispute and the complaints likely for sanction hearing.

In the matter of DS-02-115/DS-03-010/DS-03-015 Shoppers Drug Assist & PH-03-022/PH-03-026/PH-03-006 Monty Schwartz (Lic. No. 14670): Order to show cause expected by next month.

In the matter of DS-02-051/CVS/pharmacy Harwichport. Review of correspondence from CVS/pharmacy legal counsel seeking revised sanction

In the matter of DS-03-055/New England Compounding Center & PH-03-066/Barry J. Cadden. Investigator Leslie S. Doyle provided an overview of the summary of investigation.

Motion to return to Open Session.